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IM31/0708

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 EXAMINER

ART UNIT	1732	PAPER NUMBER
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07/08/98

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/817,391</b>	Applicant(s) <b>Kornflat et al.</b>
	Examiner <b>Kenneth Jones</b>	Group Art Unit <b>1732</b>

Responsive to communication(s) filed on Apr 8, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 3, 4, and 6-14 is/are pending in the application.  
 Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 3, 4, and 6-14 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been  
 received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
 Interview Summary, PTO-413  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

**Claim Rejections - 35 USC § 112**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3-4, 6-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Instant Specification does not clearly teach what constitutes a dilation profile, transition profile, or finishing profile.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-4, 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

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out and distinctly claim the subject matter which applicant regards as the invention.

The process claims 3-4, 6-13 are replete with indefiniteness. For example, claim 7 recites "A process for the production of a floor strip which comprises ...." It is not clear whether the floor strip comprises or the process comprises. Moreover, a process step is not recited claim 7 in which a floor strip is provided. In line 7, it is presumed that "carrier" should be --carrier--. Also limitations of claim 7 are not recited in active, positive process claim language. For example, claim 7 (the independent process claim) recites "whereby the postforming laminate in one piece is glued on an upper side ... of the carrier via the rounded-off edges to form a laminate coated carrier (sic) ...."; it is not clear whether a "postforming laminate" is first formed and then, as a single piece, laminated onto the carrier or after the postforming laminate" is laminated onto the carrier, the abrasive particles are added to form one piece.

In claim 7 line 6, "the postforming laminate" lacks antecedent basis.

Claim 9 depends from claim 1 which is a cancelled claim. Claim 9 will be examined as though it depends from claim 7.

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**Claim Rejections - 35 USC § 103**

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Munk et al. (U.S. 4,594,347).

Munk et al. disclose a method of hot pressing a synthetic-resin laminate onto a hot-pressed fiberboard intermediate body. The laminate includes thermosetting resin (normally of a melamine base) impregnated paper sheets, an under foil or first foil having a desired pattern and a covering sheet. The covering sheet is a clear overlay consisting of an unsubstituted alphacellulose paper (col 1 lines 54-56) and is provided as a protective layer of the under foil (col 1 lines 30-31). It is clear from Figures 1 and 2 that the invention encompasses fiberboard having rounded edges. Munk et al. do not explicitly disclose that the process is intended for the production of a floor strip; however, this is merely the intended use of the product. It is certainly well known to use laminated fiberboards for floor strips. It would have been obvious to one having ordinary skill in the art at the time of the invention to have considered the process of Munk et al. to obviously encompass the production of floor strips for the reasons given above.

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Munk et al. do not explicitly disclose that the laminate has an IP-value in the range claimed. However, Munk et al. disclose the same process as that claimed by Applicants; the IP-values must overlap.

Munk et al. do not explicitly disclose that the laminate has a dilation profile, transition profile, or finishing profile. However, as far as the Examiner can understand the Instant Invention, the profile taught by Munk et al. in Figures 1-4 is sufficiently similar to the profiles disclosed in the Instant Invention to suggest profiles having extended portions at the edge of the board.

Also Munk et al. do not disclose machining the board to produce the profiles. However, machining a pressed board to obtain a given profile is well known in the manufacturing art and it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Munk et al.'s process by machining the pressed board to obtain a given profile (instead of using a special mold to obtain the profile) since the modified procedure eliminates the need for a mold having a special mold shape (molds having a special mold shape can be more expensive than flat molds).

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7. Claims 3-4, 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munk et al. (U.S. 4,594,347) in view of Lindgren et al. (U.S. 4,940,503).

See above for the disclosure by Munk et al. In addition, Munk et al. teaches the use of sheets of glass fibers as an alternative to sheets of  $\alpha$ -cellulose as the overlay layer. However, Munk et al. do not disclose the protective covering sheet comprises hard particles including silica, alumina and having a particle size of 1-80  $\mu\text{m}$  (not required for claim 7 which was rejected over Munk et al. alone).

Lindgren et al. teach forming a laminate thermosetting melamine impregnated paper sheets and a decor sheet having a desired pattern and a covering sheet. The covering sheet is formed of  $\alpha$ -cellulose impregnated with melamine-formaldehyde resin (col 3 lines 51-53) and particles of silica, alumina and/or silicon carbide (col 3 lines 28-29) of the size of 1-80  $\mu\text{m}$ , especially of 5-60  $\mu\text{m}$  (col 3 lines 34-35). Lindgren et al. further teach forming a laminate having IP values of from 2,000 revolutions to up to 40,000 revolutions (Example 6, col 6 lines 1-35) including IP values between 3,000 and 10,000 (instant claim 12) and applying the covering sheet(s) (from one to ten sheets) by gluing and with heat and pressure (col 3 line 42).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Munk et al.'s

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process by using an overlay sheet impregnated with melamine-formaldehyde resin and particles of silica, alumina and/or silicon carbide of the size of 1-80  $\mu\text{m}$ , especially of 5-60  $\mu\text{m}$  as taught by Lindgren et al. because such overlay sheet have been shown to be effective for forming a protective layer for an underlying decor sheet.

Although both Munk et al. and Lindgren et al. disclose impregnating the fibrous overlay layer, it is well known to apply overlay sheets that are not impregnated in order to more easily apply the sheets onto the base layer. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Munk et al. and Lindgren et al. by using unimpregnated overlay layers of glass fibers in order to gain the advantage of the properties that each layer imparts to the composite.

#### **Response to Arguments**

8. Applicant's arguments with respect to claims 3-4, 6-14 have been considered but are moot in view of the new ground(s) of rejection.

#### **Conclusion**

9. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth M. Jones whose telephone number is (703) 305-6429. For more prompt consideration of amendments, etc. it is suggested that Applicants fax their responses directly to the Art Unit for consideration. The fax number for formal papers for art unit 1732 is (703) 305-7718. The fax number for informal papers to the Examiner is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

*Kenneth Jones*

Kenneth M. Jones  
July 6, 1998

*JAN H. SILBAUGH*  
JAN H. SILBAUGH  
SUPERVISORY PATENT EXAMINER  
ART UNIT 1732  
07/06/98